

(Spl. - [H.C.A.S.](#) C.D., 78-e)

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI – GOA
APPELLATE SIDE

WRIT PETITION NO. 545 OF 2004

Office Notes, Office Memoranda of Quorum
appearances, Court's orders, or directions and
Registrar's orders.

Court's or Judge's Orders.

Mrs. A.A. Agni, Advocate for the
petitioners.

CORAM : B.H. MARLAPALLE, J.

DATE : 2ND DECEMBER, 2004.

P.C.

Heard Mrs. Agni, the learned
Counsel for the petitioners who are
impleaded as the defendants in Regular
Civil Suit No.97/2001. In the said suit,
Civil Misc. Application No. 212/2001
was allowed by an order dated 2.7.2002
by the trial Court and an injunction
was granted in respect of the suit
property bearing Survey Nos. 11/3 and
11/6 of Village Conxem. This order
was challenged before the District
Court in Civil Appeal No.85/2002 and

by an order dated 11.7.2003, the appeal was allowed. This order came to be challenged in Writ petition No. 524/2003 and by an interlocutory order dated 6.11.2003, the operation of this order was stayed. An application for police protection was filed on 27.10.2003 and it came to be decided by an order dated 23.3.2004. By this order, this Court made it clear that there was no necessity to interfere with the interlocutory order passed earlier.

2. The plaintiffs filed an application for police protection on 27.10.2004 before the trial Court and obviously it was opposed by the defendants by filing reply. The learned Judge of the trial Court, after hearing both the parties, allowed the application and directed the P.I. of Ponda Police Station to depute the necessary police personnel for implementation of the injunction order

granted in Civil Misc. Application No.212/2001.

3. Mrs. Agni, the learned Counsel for the petitioners referred to the Judgments in the case of ***Mulraj v. Murti Raghunathji***, (AIR 1967SC 1386) and ***M/s. Shree Chamundi Mopeds Ltd., v. Church of South India Trust Association, Madras***, (AIR 1992 SC 1439) and submitted that the order passed by the trial Court is erroneous inasmuch as the injunction order cannot be held to be operative, merely because the order of the appellate Court was stayed and unless the order of the appellate Court was quashed and set aside finally, the injunction order would not revive. These submissions do not commend to this Court. The order of this Court passed on 6.11.2003 as well as on 23.3.2004 will have to be read in juxtapose and, it is, therefore, clear

that the trial Court did not commit any error. Hence, the petition is rejected summarily.

B.H. MARLAPALLE, J.

ssm.